

ASSEMBLY BILL

No. 320

Introduced by Assembly Member Wood

February 13, 2015

An act to amend Section 6732 of the Business and Professions Code, relating to engineers.

LEGISLATIVE COUNSEL'S DIGEST

AB 320, as introduced, Wood. Engineers.

Existing law provides for the licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists in the Department of Consumer Affairs. Existing law prohibits a person from representing himself or herself as an engineer, as described by various titles, unless the person is licensed as an engineer. Existing law makes a violation of those prohibitions a misdemeanor.

This bill would additionally prohibit a person from using the title “environmental engineer” unless the person is licensed as an engineer. The bill would provide legislative findings and declarations in support of the licensure of environmental engineers in California. The bill would set forth the intent of the Legislature that the board be responsible for defining environmental engineering through rulemaking and that the board adopt standardized examination materials applicable to environmental engineering, as specified.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Over the past few decades, the study and practice of
- 4 environmental engineering has expanded greatly throughout
- 5 California and the nation. Many colleges in California have
- 6 accredited environmental engineering programs and thousands of
- 7 California engineers currently provide essential environmental
- 8 engineering services to all levels of government, private industry,
- 9 and the public.
- 10 (b) Despite leading the way in environmental protection and
- 11 global climate change remediation programs, the State of California
- 12 is an anomaly in that it does not currently offer a pathway for the
- 13 licensure of environmental engineers. Forty-eight other states test
- 14 and provide a licensing path for environmental engineers. Hawaii
- 15 and California currently do not.
- 16 (c) As programs of environmental mitigation and protection
- 17 continue to expand in scope and complexity for our air, water, and
- 18 soil testing and certification of environmental engineers is needed
- 19 to establish benchmarks for competency to protect and safeguard
- 20 the public.
- 21 (d) The Board for Professional Engineers, Land Surveyors, and
- 22 Geologists (BPELSG) safeguards the life, health, property, and
- 23 public welfare by regulating the practice of professional
- 24 engineering. The BPELSG provides this public service by testing
- 25 and licensing individuals, establishing regulations, enforcing laws
- 26 and regulations, and providing information so that consumers can
- 27 make informed decisions.
- 28 (e) In the early 1970s, the BPELSG created title acts in the
- 29 branches of agriculture, control system, corrosion, fire protection,
- 30 manufacturing, nuclear, quality, safety, and traffic. At that time,
- 31 the BPELSG did not approve a petition to add an environmental
- 32 engineer title act. In 1986, the authority to establish new title
- 33 registration branches returned to the Legislature.

1 (f) In California, professional engineers are licensed in the three
2 practice act categories of civil, electrical, and mechanical
3 engineering, and licensed in the 10 title act categories of
4 agricultural, chemical, control system, fire protection, industrial,
5 manufacturing, metallurgical, nuclear, petroleum, and traffic
6 engineering.

7 (g) Environmental engineering is the branch of engineering that
8 understands and applies engineering principles in the areas of solid
9 waste management, water supply and treatment, wastewater
10 treatment, air pollution management, hazardous waste management,
11 and related environmental and public health impact, assessment,
12 and mitigation including the physical, chemical, and biological
13 processes by which pollutants form, release, disperse, react, or
14 neutralize in air, water, or soil.

15 (h) Given the proliferation of the practice of environmental
16 engineering in the public and private sectors in California, it is
17 now necessary to create an environmental engineering title act
18 within the Professional Engineers Act to safeguard life, health,
19 property, and the public welfare and regulating this profession.

20 (i) It is the intent of the Legislature that the BPELSG will be
21 responsible for defining “environmental engineering” through
22 rulemaking, adding to the definitions found in Section 404 of Title
23 16 of the California Code of Regulations, and using the same
24 process used to define the other title acts. It is the intent of the
25 Legislature that the BPELSG will also adopt national standardized
26 examination materials applicable to environmental engineering,
27 similar to testing for other branches of engineering.

28 (j) Creating a new environmental engineering title act does not
29 require the expenditure of state funds. Just as is the case with other
30 practice and title act licensees, it is the intent of the Legislature
31 that applicant fees will cover the cost of license and registration.

32 SEC. 2. Section 6732 of the Business and Professions Code is
33 amended to read:

34 6732. It is unlawful for anyone other than a professional
35 engineer licensed under this chapter to stamp or seal any plans,
36 specifications, plats, reports, or other documents with the seal or
37 stamp of a professional engineer, or in any manner, use the title
38 “professional engineer,” “licensed engineer,” “registered engineer,”
39 or “consulting engineer,” or any of the following branch titles:
40 “agricultural engineer,” “chemical engineer,” “civil engineer,”

1 “control system engineer,” “electrical engineer,” “*environmental*
2 *engineer*,” “fire protection engineer,” “industrial engineer,”
3 “mechanical engineer,” “metallurgical engineer,” “nuclear
4 engineer,” “petroleum engineer,” or “traffic engineer,” or any
5 combination of these words and phrases or abbreviations thereof
6 unless licensed under this chapter.

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.